

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NO. 3:21-CR-49-02

DIANA TOEBBE,

Defendant.

**MOTION TO GRANT PRO HAC VICE APPLICATION
AND WAIVE PRO HAC VICE ADMISSION FEES**

COMES NOW Barry P. Beck, court-appointed counsel for the Defendant, and moves this Court to grant the application for pro hac vice admission of his court-appointed co-counsel Jessica Carmichael, Carmichael Ellis & Brock, PLLC, 108 N. Alfred Street, 1st Floor, Alexandria, VA 22314 (703) 684-7908, and waive the pro hac vice application fees for her admission. In support of the instant motion, the undersigned counsel states the following:

1. Jessica Carmichael was previously appointed by the Court to represent the Defendant in the above-captioned case, pursuant to the Criminal Justice Act, 18 U.S.C. 3005. [Doc 116].

2. Pending before this Court is the pro hac vice admission application of Ms. Carmichael. Undersigned counsel will act as local counsel on her behalf as is required by our Local Rules.

3. LR Gen P. 83.02(c)(4) authorizes the waiver of pro hac vice admission fees for those employed by the United States Department of Justice or any other Federal department or agency. An attorney appointed pursuant to the Criminal Justice Act is compensated by the Administrative Office of U.S. Courts, Office of Defender Services. As such, this meets the “agency”

requirement of our Local Rule and waiver of fees is appropriate.

WHEREFORE, the Court is respectfully requested to grant Jessica Carmichael's admission in this matter and waive the pro hac vice application fees for her admission.

DEFENDANT
BY COUNSEL

/s/ Barry P. Beck
Barry P. Beck
Power, Beck & Matzureff
308 West Burke Street
Martinsburg, WV 25401
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CERTIFICATE OF SERVICE

I, Barry P. Beck, counsel for Defendant, hereby certify that on the 30th day of August, 2022, the foregoing **MOTION TO GRANT PRO HAC VICE APPLICATION AND WAIVE PRO HAC VICE ADMISSION FEES** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Barry P. Beck
Barry P. Beck